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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,903

Applicant(s)

MEYER ET AL.

Examiner

Yogesh C Garg

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M.G.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/7/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Amendment A, paper # 7, received on January 7, 2004, is acknowledged and entered. Claims 1, 8, 10, 12, 13, and 24 have been amended. New claims 28-31 have been added. Currently claims 1-31 are pending for examination.

Response to Arguments

2. The applicant has amended claims 1, 13 and 24 and, therefore, objections raised against claims 1, 13 and rejection of claims 24-27 under 35 USC 112 second paragraph in the previous office action are withdrawn.

The applicant's arguments filed on January 7, 2004 concerning claims 1-27 rejected under 35 U.S.C. 103 (a) in the previous Office action have been fully considered but are not persuasive for following reasons:

The applicant argues that since the amended preamble of independent claim 1 now clarifies that the complaint message is regarding an environmental condition of the building (see amendment pages 10-11) the claimed invention should be patentable over the prior art reference of Narasimhan/Henson. The examiner respectfully disagrees as the body of the claim 1 fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. In this case the limitation, cited in the

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preamble, that the complaint message is regarding an environmental condition is merely the purpose or intended use of the invention and does not result in a structural difference or in the case of process claim, manipulative difference between the claimed invention and the prior art of Narasimhan/Henson. If a prior art structure is capable of performing the intended use as recited in the preamble, then it meets the claim. See, e.g., *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). The examiner has shown in the previous office action on pages 4-6 that the combined art of Narasimhan/Henson is capable of performing the intended use as recited in the preamble. Please refer to MPEP 211.02 Weight Preamble- below:

PREAMBLE STATEMENTS RECITING PUR-POSE OR INTENDED USE

The claim preamble must be read in the context of the entire claim. The determination of whether preamble recitations are structural limitations or mere statements of purpose or use "can be resolved only on review of the entirety of the [record] to gain an understanding of what the inventors actually invented and intended to encompass by the claim." Corning Glass Works, 868 F.2d at 1257, 9 USPQ2d at 1966. If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. Pitney Bowes, Inc. v. Hewlett-Packard Co., 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). See also Rowe v. Dror, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) ("where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation"); Kropa v. Robie, 187 F.2d at 152, 88 USPQ2d at 480-81 (preamble is not a limitation where claim is directed to a product and the preamble merely recites a property inherent in an old product defined by the remainder of the claim); STX LLC v. Brine, 211 F.3d 588, 591, 54 USPQ2d 1347, 1350 (Fed. Cir. 2000) (holding that the preamble phrase "which provides improved playing and handling characteristics" in a claim drawn to a head for a lacrosse stick was not a claim limitation).

During examination, statements in the preamble reciting the purpose or intended use of the claimed invention must be evaluated to determine whether the recited purpose or intended use results in a structural difference (or, in the case of process claims, manipulative difference) between the claimed invention and the prior art. If so, the recitation serves to limit the claim. See, e.g., In re Otto, 312 F.2d 937, 938, 136 USPQ 458, 459 (CCPA 1963) (The claims were directed to a core member for hair curlers and a process of making a core member for hair curlers. Court held that the intended use of hair curling was of no significance to the structure and process of making.); In re Sinex, 309 F.2d 488, 492, 135 USPQ 302, 305 (CCPA 1962) (statement of intended use in an apparatus claim did not distinguish over the prior art apparatus). If a prior art structure is capable of performing the intended use as recited in the preamble, then it meets the claim. See, e.g., In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) (anticipation rejection affirmed based on Board's factual finding that the reference dispenser (a spout disclosed as useful for purposes such as dispensing oil from an oil can) would be capable of dispensing popcorn in the manner set forth in appellant's claim 1 (a dispensing top for dispensing popcorn in a specified manner)) and cases cited therein. See also MPEP § 2112 - ? 2112.02.

The applicant further argues that the teaching of Henson for generating a warning regarding the lead time warning to the customers is a teaching away from the claimed invention which requires that the warnings be displayed to the building management. The examiner respectfully disagrees because:

(i) The limitation, "generating a warning when the received complaint messages satisfy the predefined message filtering criterion and displaying the warning to management of the building" is an intended function of the structural elements of the message processing system and the display device of an apparatus claim and according to MPEP claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. Please see MPEP 2114: *Apparatus and Article Claims - Functional Language - For a discussion of case law which provides guidance in interpreting the functional portion of means-plus-function limitations see MPEP § 2181 - ? 2186. APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART. Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). (emphasis in original)*

(ii) In response to applicant's argument that Henson's art is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Henson's art is reasonably pertinent to the particular problem of generating a warning if the received complaint messages satisfy a predefined criteria and display it with which the applicant was concerned and the users in Henson

correspond to the management of the building. The applicant's arguments concerning claims 5,6 and 7 (amendment pages 12-13) have been considered but are not persuasive in view of the same rational as presented above.

In view of the foregoing analysis and discussion rejection of claims 1 and 4-10 under 35 U.S.C. 103 (a) is maintained as being unpatentable over Narasimhan in view of Henson.

The applicant further argues concerning claims 2 and 3 (amendment pages 13-14) that Perkowski fails to disclose or suggest "complaints" and particularly not of filtering based on the "frequency of complaints". In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Narasimhan/Henson/Perkowski combined together teaches all the claimed limitations of claims 2 and 3. Perkowski 's teachings of using the criterion of determining number of hits made for the product or service within a predetermined length of time are analogous to the claimed invention and therefore, reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

The applicant's arguments concerning claims 11-16, 17-19 and 22-23, 20 and 21, and 24-27 (see amendment pages 14-16) have been fully considered but not found persuasive for the same reasons as mentioned above for claims 1-10.

The applicant's arguments concerning new claims 28-31 (see amendment pages 16-17) have been fully considered but are not persuasive and therefore they are also rejected as being

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unpatentable over Narasimhan in view of Henson. The new claims recite the limitation of comprising a server connected to the communication network to obtain information related to the complaint messages and storing it regarding environmental condition/parameters of the building. The limitation, "to obtain information related to the complaint messages and storing it regarding environmental condition/parameters of the building " is an intended function of the server which is a structural element of the message processing system and the display device of an apparatus claim and according to MPEP claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. Please see MPEP 2114: *Apparatus and Article Claims - Functional Language -For a discussion of case law which provides guidance in interpreting the functional portion of means-plus-function limitations see MPEP § 2181 - ?*

2186. APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART

. Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). (emphasis in original). In this case, Narasimhan in view of Henson discloses a message processing system comprising of server(s) [note: a server system can also denote a combination of servers/computers] connected to the communication network capable of receiving information, and this information can be of any type including information on the environmental conditions of a building and storing the same in a memory.

This is a Final Office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3.1 Claims 1, and 4-10 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narasimhan et al. (US Patent 6,073,165), hereinafter, referred to as Narasimhan and further in view of Henson (US Patent 6,167,383).

Regarding claim 1, Narasimhan discloses In a facility management system, an apparatus (see at least abstract, "...A message processing and forwarding system for processing electronic messages in a digital format received over a computer communication network....", and col.1, lines 39-42) by which an occupant of a building submits a complaint, said apparatus comprising:

a communication network which is accessible by the occupants to transmit complaint messages (see at least col1, lines 39-42, "...a message processing and forwarding system that receives messages over a computer communication network.....". The computer communication network is accessible by occupants of a building, see FIG 1., where elements 115, 116, 118, are

the various sources forwarding messages and they represent occupants in a building. The messages being sent are in digital format and they can include any type of message irrespective of the fact that they are complaints, congratulation messages or mere notifications);

a message processing system coupled to the communication network to receive the complaint messages, the message processing system containing a predefined message filtering criterion which is applied to received complaint messages (see at least col.1, lines 44-55, "...the invention includes a source message server configured to process a received computer-readable message. A message filter is configured and used to select the first message that is further processed by a content processor.....". Note: the source message servers are represented by elements 103, 117 in the FIG.1 and correspond to the message processing systems and are coupled to the communication network 111 .); and

a display device coupled to the message processing system and presenting to the management of the building (see at least col.4, lines 58-63, "....Therefore, in block 213, the source server determines the message filter parameters and other processing parameters needed ...that will be compatible with the display and processing characteristic of the ultimate receiver 133", and also col.5, lines 18-27, "...the filtered message so that it can be received and displayed....." Note: the receiver 133 is coupled/connected to the source servers 103, 117 by the computer communication network 111).

Narasimhan does not disclose: generating a warning when the received complaint messages satisfy the predefined message filtering criterion and displaying the same. However, Henson, in the same filed of electronic commerce and sending messages to the user while shopping online, shows generating a warning when the received complaint messages satisfy the predefined message filtering criterion and displaying the same (see at least col.14, line 49- col.15, line 30, "...For the long lead time warning in the configurator, an option can be set in the

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online store to activate long lead time warnings for a given customer set...If any time has a lead time over three weeks, then lead time flags would be set within the online store to three weeks or higher.....One difference between a compatibility warning [green check mark] and along time lead warning [yellow exclamation mark].....". Note" Henson teaches that as per predefined filtering criteria for indicating warning symbols for long lead-time and incompatibility are generated and displayed in the form of icons. Filtering criteria for long lead team is when the delivery period for a selected item, which in fact is a transmitted message/signal to the server, is three weeks or longer and when that is recognized a warning sign in the form of icon is generated and displayed.).

In view of Henson, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Narasimhan to incorporate Henson's feature of generating a warning when the received complaint messages satisfy the predefined message filtering criterion and displaying the same because it helps the system to notify and present the adverse situation to the users, as explicitly demonstrated in Henson, so that the users can take necessary action to redress the adverse situation.

Regarding claims 4, 5, 6, and 7, Narasimhan in view of Henson as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message.

Narasimhan does not disclose:

wherein the predefined message-filtering criterion specifies an occupant characteristic, and the warning is generated upon receipt of a complaint message from occupants possessing that characteristic.

wherein the predefined message-filtering criterion specifies a class of occupants, and the warning is generated upon receipt of a complaint message from an occupant in that class.

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wherein the predefined message-filtering criterion specifies a given area of the building and the warning is generated upon receipt of a complaint message from that area.

wherein the message processing system inhibits generation of a warning when a plurality of complaint messages are received from the same occupant within a predefined interval of time.

(For all the above claims see at least col.5, lines 3-17, "...Message filtering is obtained through a rule based scheme where specific data fields along with their values are indicated as their filtering criteria...such data fields include Sender, Recipient, Subject and file attachment of the e-mail message.....Search terms and phrases in the filter criteria may be applied to give further flexibility in selecting a message to be processed ...the filtering criteria may be programmed to select all e-mail messages sent by a particular individual, or all messages on a particular subject, or all messages with the word "urgent", or any combination of such criteria". Note: message from a particular individual or on a particular subject or any combination of such criteria covers the limitations of messages specifying an occupant characteristic or an occupant from a specific class or from a given area of the building. The limitation of generating warning is already covered and analyzed in claim 1 above. With regards to the limitation of claim 8, "inhibiting generation of a warning when a plurality of complaint messages are received from the same occupant within a predefined interval of time " is a rule-based scheme and Narasimhan teaches the same.).

Regarding claims 8 and 9, Narasimhan in view of Henson as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message. Narasimhan further teaches:

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that the message processing system further comprising a storage device which retains information related to the received complaint messages (see at least col.3, lines 10-20, "...FIG.1, messages from the first message source 115, ...are received by a mail server 104 that provides e-mail receipt, storage and transmission services.....". Note: Mail server 104 corresponds to the storage device which retains the information related to the received complaint messages.)

the display device also presents the information related to the received complaint messages that has been stored in the storage device (see at least col.4, lines 58-63, "...Therefore, in block 213, the source server determines the message filter parameters and other processing parameters needed ...that will be compatible with the display and processing characteristic of the ultimate receiver 133", and also col.5, lines 18-27, "...the filtered message so that it can be received and displayed....." Note: the receiver 133 is coupled/connected to the source servers 103, 117 by the computer communication network 111).

Regarding claim 10, Narasimhan in view of Henson as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message. Narasimhan further teaches:

wherein the message processing system comprises a server which forms an Intranet site on the communication network (see at least col.1, lines 39-55, "...the invention includes a source message server configured to process a received computer-readable message. A message filter is configured and used to select the first message that is further processed by a content processor.....". Note: the source message servers are represented by elements 103, 117 in the FIG.1 and correspond to the message processing systems.).

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Regarding claims 28-29, Narasimhan in view of Henson as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message. Claims 28-29 recite the limitation of comprising a server connected to the communication network to obtain information related to the complaint messages and storing it regarding environmental condition/parameters of the building. The limitation, "to obtain information related to the complaint messages and storing it regarding environmental condition/parameters of the building" is an intended function of the server which is a structural element of the message processing system and the display device of an apparatus claim and according to MPEP claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. Please see MPEP 2114: *Apparatus and Article Claims - Functional Language - For a discussion of case law which provides guidance in interpreting the functional portion of means-plus-function limitations see MPEP § 2181 - ? 2186. APPARATUS CLAIMS MUST BE STRUCTURALLY DISTINGUISHABLE FROM THE PRIOR ART . Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function. In re Danly, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). "[A]pparatus claims cover what a device is, not what a device does." Hewlett-Packard Co. v. Bausch & Lomb Inc., 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). (emphasis in original). In this case, Narasimhan in view of Henson discloses a message processing system comprising of server(s) [note: a server system can also denote a combination of servers/computers] connected to the communication network capable of receiving information, and this information can be of any type including information on the environmental conditions of a building and storing the same in a memory.*

3.2. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narasimhan in view of Henson as applied to claim 1 and further in view of Perkowski (US patent 5,918,214).

Regarding claims 2 and 3, Narasimhan in view of Henson as applied to claim 1 discloses an apparatus by which an occupant of a building submits a complaint message. Narasimhan does not disclose:

wherein the predefined message-filtering criterion specifies a given number of complaint messages which must be received in order for a warning to be generated.

wherein the predefined message-filtering criterion specifies a given number of complaint messages which must be received within a defined interval of time in order for a warning to be generated.

However, in the same field of electronic commerce and analyzing the digital data collected in a database, Perkowski discloses wherein the predefined message filtering criterion specifies a given number of complaint messages which must be received in order for a warning to be generated within a defined interval of time in order for a warning to be generated (see at least col. 14, line 58-col.9, line 14, "... The data analysis procedure seeks to determine... [1] which unregistered products or services ...were the subject of an information request at the IPSP server..[2] how many hits[requests] were made for the product or service within a predetermined length of time[e.g. for one week]....[3] whether the number of requests exceeds a particular threshold.....Server automatically sends an E-mail message designed to". Note: Perkowski explicitly teaches the use of frequency of complaints and a defined interval of time during which the requests are received as the filtering criteria to send an E-mail message to inform a company to register their products). In view of Perkowski, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Narasimhan in view of Henson as applied to claim 1 to incorporate Perkowski's filtering criteria specifying a given number of complaint messages which must be received in order for a

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warning to be generated within a defined interval of time in order for a warning to be generated because it enables the system to present the existence/occurrence of a situation which needs to be attended and thus enabling the users to take necessary action.

3.3. Claims 11-16 and 30 are rejected under 35 U.S.C. 102(e) as being obvious over Narasimhan and further in view of Official Notice.

Regarding claim 11, Narasimhan discloses in a facility management system for a building that has a communication network which is accessible by occupants of the building, an apparatus by which the occupants submit complaints regarding an operating condition of the building (see at least col1, lines 39-55, "...a message processing and forwarding system that receives messages over a computer communication network...."). The computer communication network is accessible by occupants of a building, see FIG 1., where elements 115, 116, 118, are the various sources forwarding messages and they represent occupants in a building. The messages being sent are in digital format and they can include any type of message irrespective of the fact that they are complaints, congratulation messages or mere notifications), said apparatus comprising:

a storage device containing a log for complaints received from the occupants (see at least col.3, lines 10-20, "... FIG.1, messages from the first message source 115, ...are received by a mail server 104 that provides e-mail receipt, storage and transmission services.....". Note: Mail server 104 corresponds to the storage device which retains the information related to the received complaint messages.) ;

a server connected to the communication network and to the storage device, wherein upon being contacted by an occupant the server replies by submitting a complaint regarding an

operating condition of the building, the web site also receives complaint messages from such an occupant via the communication network (see at least col1, lines 39-55, "...a message processing and forwarding system that receives messages over a computer communication network... the invention includes a source message server configured to process a received computer-readable message.". Note: the source message server represented by element 103, in the FIG.1 is connected to the communication network 111 and mail server 104 is the storage device. The computer communication network is accessible by occupants of a building, see FIG 1., where elements 115, 116, 118, are the various sources forwarding messages and they represent occupants in a building. The messages being sent are in digital format such as HTTP message formats and web browser interface [see col.5, lines 36-49 and col.6, lines 37-51] and they can include any type of message irrespective of the fact that they are complaints, congratulation messages or mere notifications.);

a complaint agent connected to the web site to receive complaint messages therefrom and connected to the storage device, the complaint agent storing received complaint messages into the log in the storage device (see at least col.3, lines 10-20, "... FIG.1, messages from the first message source 115, ...are received by a mail server 104 that provides e-mail receipt, storage and transmission services.....". Note: Mail server 104 corresponds to the complaint agent connected to the web site, i.e. source server 103 which retains the information related to the received complaint messages from the message source 115.); and

a workstation coupled to the storage device to obtain and present information from the log to building management personnel (see at least col.3, line 61-col.4, line 11, and col.4, lines 58-63 . Narasimhan discloses source server 103 also as the workstation which is connected to a mail server 104 the storing device and then source server determines and selects messages

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using a filtering criteria to display messages to the ultimate receiver, which corresponds to the building management personnel.).

Narasimhan does not disclose that the server connected to the communication network is a web site and uses web pages in response to submit complaints of the building. However, official Notice is taken of both the concept and benefits of a web site and use of web pages while communicating on an Intranet or Internet for the obvious reasons of web pages and web site being a user-friendlier interface for displaying data and for further linking to other web pages and web sites. In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Narasimhan to the use of a web site and web pages because it would be a more user friendly interface for the users to interact submit complaints, and receive notifications.

Regarding claim 12, Narasimhan in view of an Official Notice as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages. Narasimhan further discloses a complaint analyst which processes data received from the complaint agent and the storage device and formulates displays of that data for presentation to the building management personnel (see at least col.3, line 61-col.5, line -67. Narasimhan discloses that source server 103 also comprises of a complaint analyst which receives the messages from mail server 104, the complaint agent, and using filtering criteria selects and formulates to display messages to the ultimate receiver, which corresponds to the building management personnel.).

Regarding claim 13, Narasimhan in view of an Official Notice as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages.

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Narasimhan further discloses that the complaint messages also contain information that for each occupant identifies an area of the building and the web site associates each complaint message received with the area of the building identified for the occupant who sent the complaint message see at least col.5, lines 3-17, “.Message filtering is obtained through a rule based scheme where specific data fields along with their values are indicated as their filtering criteria...such data fields include Sender, Recipient, Subject and file attachment of the e-mail message.....the filtering criteria may be programmed to select all e-mail messages sent by a particular individual, or all messages on a particular subject, or all messages with the word “urgent”, or any combination of such criteria”. Note: Narasimhan's use of a rule based scheme to filter messages based upon their source, type, and any combination of such attributes would cover the claimed limitation as to know from which area the message has come).

Regarding claim 14, Narasimhan in view of an Official Notice as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages .. Narasimhan further discloses that the complaint agent logs environmental conditions with the complaint (In claim 11 it was analyzed that complaint agent logs the information received in the complaint messages. If the occupant is sending information on environmental conditions in his message then all data about environmental conditions would also be inherently stored by the complaint agent as part of the complaint message. It does not matter what data is being transmitted all of that data is being stored by the mail server 104, which corresponds to the complaint agent).

Regarding claims 15 and 16, Narasimhan in view of an Official Notice as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages. Narasimhan further discloses:

that the web site customizes the web page according to the area of the building identified for an occupant who contacted the web site.

That the web site customizes the web page with specific operating conditions defined for the area of the building identified for the occupant who contacted the web site.

(For above both claims see at least col.6, lines 40-51, "... In another embodiment... the account information including the filter-criteria as well as rules ... may be defined by the human user of the account through a World Wide Web [web] browser –based interface to the source message server 103... These allow the user to fully customize message handling for his or her account...". Note: Narasimhan disclosure of being fully able to customize the message handling ability using www and a web browser covers the limitations of claims 15 and 16.).

Regarding claim 30, the limitations are already covered while analyzing claim 28 above.

3.4. Regarding claims 17 -19 and 22-23, Narasimhan in view of an Official Notice as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages. Further the limitations recited in dependent claims 17 -19 and 22-23 are covered by the limitations recited in claims 1 and 4-7 and are therefore analyzed and rejected as unpatentable over Narasimhan in view of Official Notice and further in view of Henson on the basis of same rationale.

3.5. Regarding claims 20-21, Narasimhan in view of an Official Notice as applied to claim 11 discloses an apparatus comprising a web site and web pages to handle complaint messages. Further the limitations recited in dependent claims 20-21 are covered by the limitations recited in claims 2 and 3 and are therefore analyzed and rejected as unpatentable over Narasimhan in view of Official Notice, further in view of Henson and further in view of Perkowski on the basis of same rationale.

3.6. Regarding claim 24 all the limitations are covered in claims 11, and 17 above and are therefore analyzed and rejected as unpatentable over Narasimhan in view of Official Notice, and further in view of Henson on the basis of same rationale.

3.7. Regarding claim 25 all the limitations are covered in claim 24 above and is therefore analyzed and rejected as unpatentable over Narasimhan in view of Official Notice, and further in view of Henson on the basis of same rationale.

3.8. Regarding claim 26 all the limitations are covered in claim 19 above and is therefore analyzed and rejected as unpatentable over Narasimhan in view of Official Notice, and further in view of Henson on the basis of same rationale.

3.9. Regarding claims 27 and 31 all the limitations are covered in claims 14 and 30 above and is therefore analyzed and rejected as unpatentable over Narasimhan in view of Official Notice, and further in view of Henson on the basis of same rationale.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

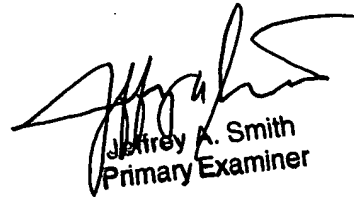
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Yogesh C Garg
Examiner
Art Unit 3625

YCG
April 4, 2004



Jeffrey A. Smith
Primary Examiner